

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RIVINGTON’S ORCHARD, LLC,
Plaintiff,

-v-

AMERICAN FIRE AND CASUALTY
COMPANY,
Defendant.

21-CV-1727 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant removed this case to this Court from New York Supreme Court, County of New York, invoking this Court’s diversity jurisdiction pursuant to 28 U.S.C. § 1332. However, the Notice of Removal does not adequately demonstrate the Court’s subject matter jurisdiction because it does not allege the citizenship of each of the members of the LLC plaintiff. An LLC is not a “corporation,” as alleged in the Notice of Removal, but rather a “limited liability company.” An LLC’s state of registration, principal place of business, and registered agent’s state of citizenship are irrelevant to the question of an LLC’s citizenship, and therefore to diversity of citizenship under § 1332 where there is an LLC party. Rather, for purposes of diversity jurisdiction, an LLC has the citizenship of each of its members. *See ICON MW, LLC v. Hofmeister*, 950 F. Supp. 2d 544, 546 (S.D.N.Y. 2013) (citing *Bayerische Landesbank v. Aladdin Capital Mgmt. LLC*, 692 F.3d 42, 49 (2d Cir. 2012)). Thus, in order to invoke this Court’s diversity jurisdiction, Defendant must allege that the citizenship of each member of the LLC plaintiff was diverse from that of Defendant at the date of this action’s filing.

Therefore, Defendant shall, on or before May 6, 2022, show cause as to why this action should not be remanded to state court.

SO ORDERED.

Dated: April 22, 2022
New York, New York



J. PAUL OETKEN
United States District Judge